

SYNOPSIS PROPERTY IN SWAZILAND

Owner and representative

The owner of the properties referred to below is Mrs. J.M Labuschagne. Her son, Rev. Dr. Izak labuschagne is the fiduciary heir of the properties and holds her General Power of Attorney (POA) in respect of her rights attaching to the properties. The POA was endorsed by the High Court of Swaziland.

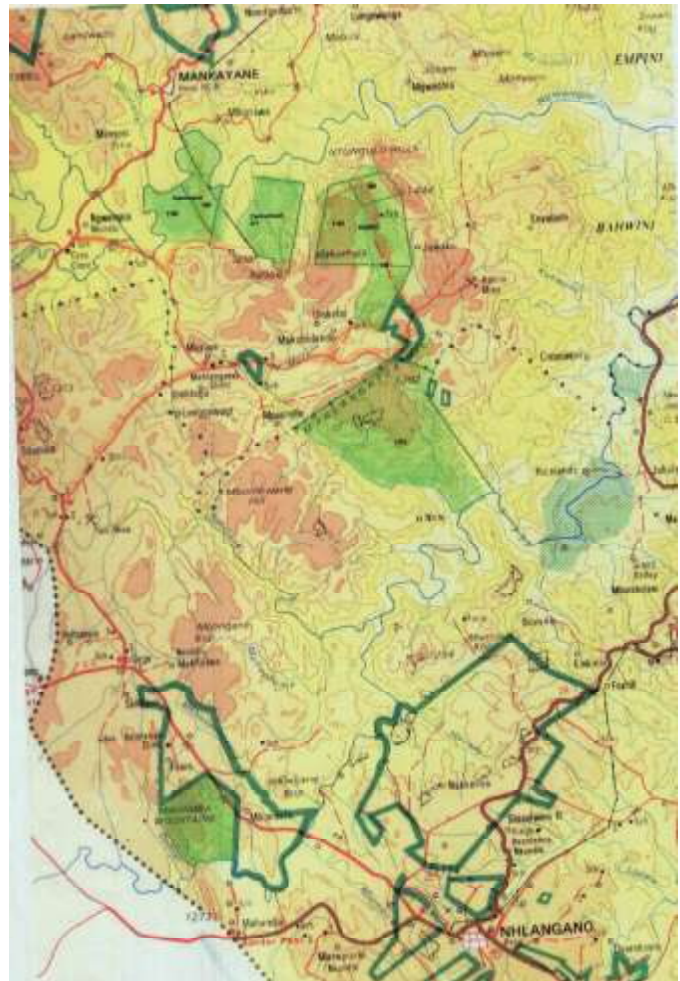
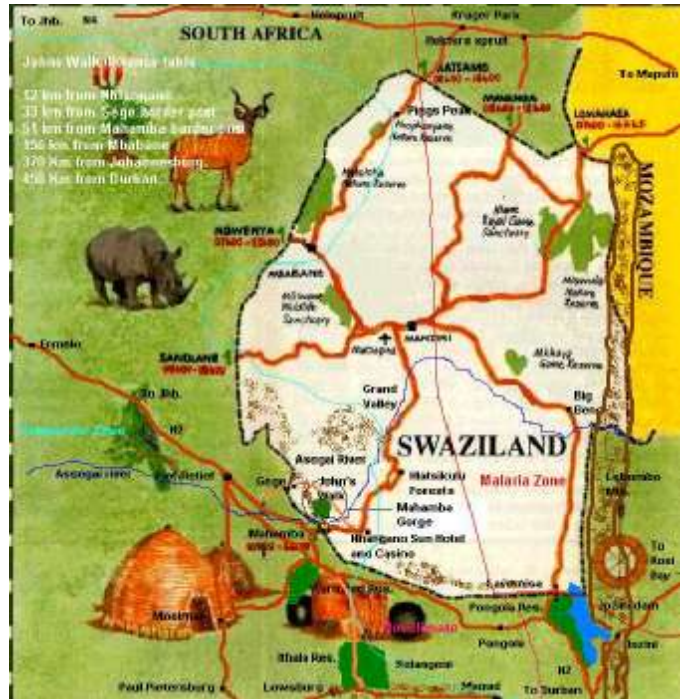
Orientation.

The properties are situated in the South West of Swaziland as indicated in the maps opposite.

Property Descriptions

The southernmost property which borders on the Assegaai River and lies over the Mahamba Mountains, is described as the Remainder of farm No. A 19 of the farm **Johannesloop** in the Shiselweni / Mankayana district of Swaziland, in extent approx. 1440 ha.

The Mahamba Mountains have a maximum elevation of some 1,277 m above sea level. The mountain has sweet and red grass grazing on its table area. The table area contains a gentle valley containing a river that runs year round. On its southern the elevation it drops to 970 m. There are several other rivers running to a fertile area containing sweet grass on a 28 ft overburden of red soil. This area is also dissected by a public road which



due to be tarred in the near future. It is to serve as the new tourism route of Swaziland. The farm is situated 7 km from the Gege border post, which in turn is some 30 km from Piet-Retief in South Africa. Its southern border is situated 12 Km from the town of Nhlangano. It is 152 km from the Capital, Mbabane. The farm borders on the Assegaai River that dissects it in a spectacular gorge of some 1,200 feet in height. The farm has many tourism attractions. These are set out on www.izak.co.za under the tab JOHNS WALK.

Please note that the litigation detailed below attaches only to this property. However, when to Court orders are fully executed and implemented the effect of it would be that resolution of any squatter situations that may arise at the other properties will be a matter of course.

The property on the **Mahlangatsha** Mts.(Middle of map) is farm 1152 and ranges in elevation from 1,300 to 600 m above sea level. It is approx. 4,700 ha in extent. The owners have a perpetual grazing concession on the land. The grazing is sweet veld. The farm is about 50 km from the town of Mankhayana.

The property indicated above that is **Dubec** and is made up of farms 138, R1152 and R/CL/196. It comprises of the same concession and is between 1307 and 900 m above sea level. The grazing is sweet veld. The farm is about 40 km from the town of Mankhayana.

The property to the left of Dubec is **Donkerhoek** (farm no 477) and is held as freehold titled by Mrs. M Joubert, Dr. Labuschagne's Aunt. She has given his cousin, Phil Joubert a POA in respect of the property. The extent is approx. 1,400 ha. The farm is about 35 km from the town of Mankhayana.

To the left of Donkerhoek is **Ngwempisi** consisting of farms no R/1152 and C/CL/196. It comprises of the same concession and is between 880 and 940 in elevation. The grazing is sweet veld. The extent is approx 2,000 ha. This property borders on the Ngwempisi River. The farm is about 25 km from the town of Mankhayana.

There are persons residing on the abovementioned farms. The owners were approached by them and were asked to please recommence farming operations in the area. There is a willingness to consolidate into a given area and a keen readiness to get involved in any community development projects at the instance of the owners.

The owners have several projects in mind for the properties. Following the recent decisions taken at the G8 summit several agencies have recommenced talks toward funding of such projects.

The owners ideally need a JV partner with a good track record in the agricultural sector.

Background of projects and squatters at Johannesloop

In 1999 the owners returned to the Johannesloop property after a long period of absence, only to find that the original 5 families allowed on the farm had ballooned into 20 families.

Projects

A project for the development of the property as a game farm and tourism resort on the northern side of the road was developed.

On the southern side, a cultural village supported by an irrigation scheme for organic produce was planned.

Offers

The owners accordingly extended an opportunity to some 22 squatters families occupying the Southern part of the property to get involved in a irrigation and tourism project.

They rejected the offer.

The owner then offered some 300 ha on the south side of the road for them to be consolidated onto and to run as they pleased. A grant of R 70,000.00 was secured as well.

They said it was too little

He offered another 500 ha of concession lands at Mahlantsha.

They refused saying they wanted the whole farm of Johannesloop.

Regional Tribunal

Owner then resorted to and engaged the Regional Secretary's Tribunal under the farm Dwellers Act of Swaziland.

The tribunal ruled that they needed to enter into Farm Dweller Agreements with the owners if they were to stay on the farm.

Agreements were duly produced, but they refused enter into them.

High Court litigation

The matter was then taken to the High Court of Swaziland for adjudication.

The Squatters used an ex Minister of Justice as their instructing attorney and the chairman of the society of advocates Paul Shilubane, as council.

The Regional Secretary engaged the Attorney General of the country as council.

Dr. Labuschagne appeared in person.

After a quarter day's argument a consent order was issued.

Various other applications were launched against the squatters, which applications also cited the Regional Secretary as well as the Ministers of Police and Justice.

Consent orders consistently ensued in respect of all the subsequent cases. These comprised orders declaring the squatters illegal on the farm and interdicting them against various activities such as grazing cattle on the property.

The orders sought culminated into the following: -

Interdict

Issued 28th September 2001.

Having already been declared squatters in a previous Consent Orders, this order interdicted them against various illegal activities such as burning, cutting trees and grazing cattle on the farm. The order also extended to the Police in respect of their duties.

For a copy of the actual document see the heading Copy of interdict

Writ of Ejectment / Warrant of Eviction

Issued 19 October 2001

This writ was issued by the Registrar on 19 - 10 - 2001 and listed the person to be evicted from the farm indicating each family's position on the property.

The few squatters that entered into farm Dwellers Agreements were ordered to relocate to the south Side of the farm.

This would leave the Northern part of the property free for development as a tourism area.

For a copy of the actual document see the heading Copy of Writ of Ejectment / Warrant of Eviction

Writ of Attachment and to impound

Issued 2 November 2001.

This writ entitles the owner to impound cattle and assets in order to recover the costs of eviction.

The Sheriff had quoted in the region of R 70 - 90,000.00 for the exercise of removing the squatters to the adjoining chieftain's land.

For a copy of the actual document see the heading Copy of Writ of Attachment and to impound

Declaration of rights in respect of the Warrants and Interdicts

Issued 2 November 2001.

This order served to make a wide declaration of the rights of the owners. It also interdicts the squatters further. Moreover, it entitles the owner to serve documents on the squatters directly and to take such action as the Police should have taken in the event that the Police are too slow or unable to act.

For a copy of the actual document see the heading Copy of Declaration of rights in respect of the Warrants and Interdicts

CURRENT STATUS QUO

The owners were called away by a mandate to consult to a firm that was prominent as a service provider in the Land reform process.

Dr. Labuschagne was involved in that sector until Mid 2004 when he became ill with a parasitic infection acquired from tick bites.

He is currently involved in launching a BEE initiative in the tourism sector.

Dr. Labuschagne's relationship with the King of Swaziland soured to the point where he posted an open letter of challenge to the king on the internet.

Dr. Labuschagne is generally disgruntled with the land reform process in South Africa and is now promoting a system of management Buy Outs amongst farmers in an attempt to get them to manage the subversive takeover of their land by government.

The acquisition of these properties by another person is thus desirable and prudent.

The ideal candidate will be someone who has a good perspective of the situation in Africa.

Please contact Dr. Izak Labuschagne on his mobile No. +27 73 1 5678 25
or E-mail him at izak@izak.co.za

Copy of interdict



IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO 2565/2001

BEFORE THE HONOURABLE JUDGE J ANNANDALE
ON 28TH DAY OF SEPTEMBER 2001

In the matter between

REV. DR. IZAK HERMANUS LABUSCHAGNE

JOHANNA MAGDELENA LABUSCHAGNE

And

PERSONS REPRESENTED BY ATTORNEY DLADLA
(Detailed in Schedule "A" attached hereto)

THE ROYAL SWAZILAND POLICE

THE MINISTER OF AGRICULTURE



1st Applicant

2nd Applicant

1st Respondents

2ND Respondent

3RD Respondent

ORDER

It is this honourable Court's Order that paragraphs 1.1, 1.2 in the Notice of motion be granted, as such as follows:

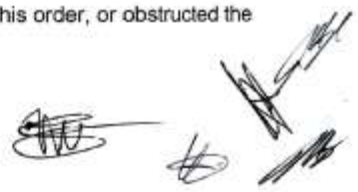
1. That this matter be treated as **URGENT**, in the public and national interest, and that the rules relating to the time periods, notices forms and service be dispensed with or adjusted as to this honourable court seems just.



Handwritten signatures and initials in black ink, including a large signature and the number '16' written below it.

125
17

2. That an **ORDER** vested with **immediate executive effect** hereby ensue on the following terms: -
 - 2.1. That no person engage in any of the following activities: -
 - 2.1.1. Harass, threaten, antagonize or disturb the applicants or their financiers, clients, visitors, contract workers, tenants (or the family and friends of such persons);
 - 2.1.2. Breach or violate or cause any other person to breach or violate the terms, conditions and rules described in annexure FDA attached hereto;
 - 2.1.3. Disturb any part of the fauna, flora and features of whatever nature of the property in question;
 - 2.1.4. Conduct any farming or other activity on the area earmarked by the SNTC as a conservation area, unless duly authorized to do so by the project owner under a written agreement signed by both parties.
 - 2.1.5. Incite, influence or in any manner cause any other person from breaching any part of this order.
 - 2.2. That in the event that a written complaint is made to the Royal Swaziland Police in respect of a breach of this order, that the Royal Swaziland Police be ordered to forthwith investigate and action the complaint.
 - 2.2.1. In the event that *prima facie* evidence arise that member of the Royal Swaziland Police refused to obey this order, or obstructed the



process of justice, he be immediately charged and incarcerated for contempt of court and/or the obstruction of the process of justice, pending the trial in the complaint made against such member of the Royal Swaziland Police.

2.2.1.1. That in that event the applicants be empowered to take such action in the enforcement of their rights hereunder as the Police could have done.

2.3. That the 2nd and 3rd respondents are hereby ordered to immediately **action, investigate, find and seize** any and all restricted items, fauna or flora in terms of section 11(1) of the Flora Protection Act 1952 and as such, **within one month** in terms of sub section (2), and thereafter to **charge the persons mentioned above** as *reasonably suspected* in terms of section 13 and 14 of the said Act, also **within one month** in terms of section 11(2), failing which the ambit of paragraph 1.2 shall apply hereto.

BY ORDER OF THIS HONOURABLE COURT GIVEN UNDER MY HAND AND SEAL AT MABABANE ON THIS 28TH DAY OF SEPTEMBER 2001


Registrar of the High Court



Received 29/09/01
Police Gage

P. M. Shitshane & Associates
ATTORNEYS NOTARIES AND CONVEYANCERS
THIRD FLOOR LILUNGA HOUSE
GILFILLAN STREET
PO BOX 3537 MABABANE, SWAZILAND





Issued 28th September 2001.

Having already been declared squatters in a previous Consent Orders, this order interdicted them against various illegal activities such as burning, cutting trees and grazing cattle on the farm. The order also extended to the Police in respect of their duties

Copy of Writ of Ejectment / Warrant of Eviction



IN THE HIGH COURT OF SWAZILAND
HELD AT MBABANE

CASE NO. 2607/2001
CASE NO. 1901/2001

In the matter between

REV. DR. IZAK HERMANUS LABUSCHAGNE

1st Applicant

JOHANNA MAGDELENA LABUSCHAGNE

2nd Applicant

And

PERSONS LISTED IN SCHEDULE "A" ATTACHED HERETO

Respondents

WRIT OF EJECTMENT / WARRANT OF EVICTION

TO: THE DEPUTY SHERIFF
NHLANGANO

WHEREAS: - Rev. Dr. Izak Labuschagne, Chief Executive Officer of John's Walk Eco Resort, of the farm Johannesloop No R/A 19, Shiselweni district Swaziland, obtained **EXECUTIVE ORDERS** in CASE NO. 1901/2001 and CASE NO. 2607/2001 in the **HIGH COURT OF SWAZILAND** against the persons listed in the schedule attached hereto and resident in the homesteads at the **positions indicated on the map** attached hereto corresponding to their name as indicated on the said schedule, ordering them and all persons at the said homesteads to be **EVICTED AND EJECTED** from and out of the said homesteads and the said farm at present occupied by the said persons, as appears to us of record.

Now therefore you are directed to **EJECT AND EVICT** the said persons and all persons claiming through them, their **goods, possessions and livestock** from and out of all occupation and possession whatsoever of the said homesteads and farm, and to leave the same, and never again to enter onto or cross the said farm to the end that the applicants, their family, guests, investors, tourists, legal tenants and workers may peaceably enter into and possess the same, and for so doing this shall be your **WARRANT**.

DATED AT MBABANE THIS 19TH DAY OF OCTOBER 2001


Registrar


1st Applicant




2nd Applicant

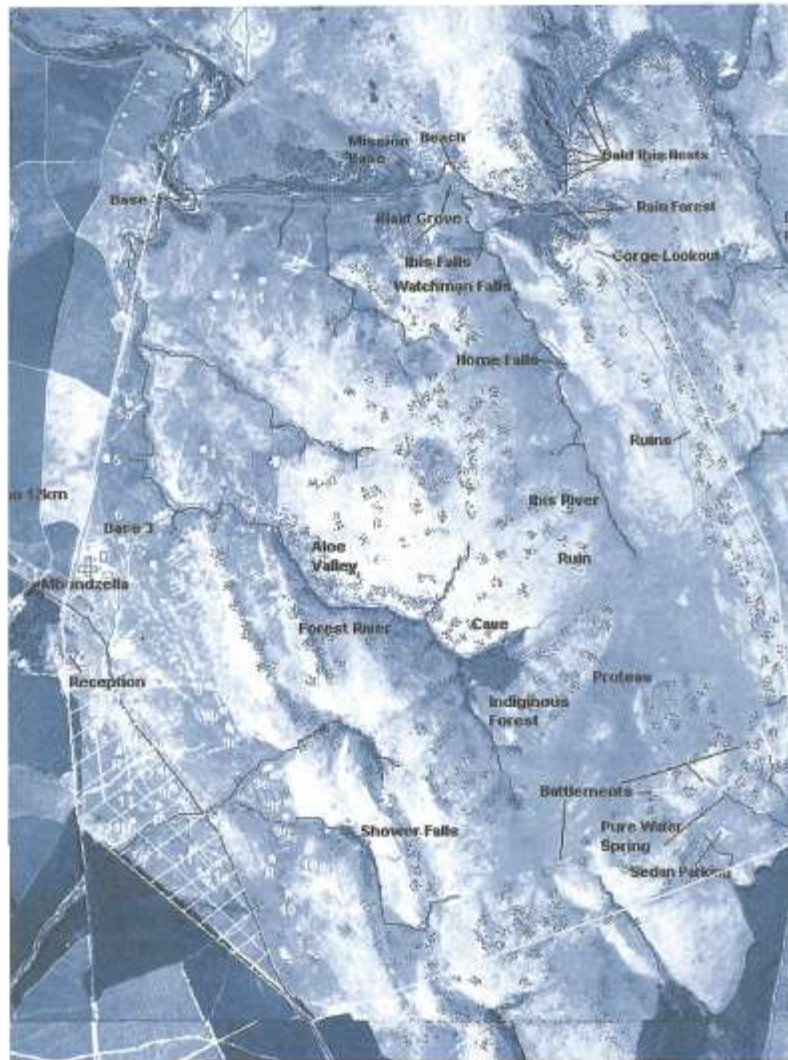


SCHEDULE "A"

Position	Respondent	Case No. 1901/2	Case No 2570/01	Farm Dweller/ Tenant
1	Josiah Shongwe	1		
1a	Nora Shongwe	2		
2	Gweva Shongwe	2		
3	Robert Dlamini	5		
4	Sibongile Lukele	13		
5	Ethel Nhleko	6		
5a	Maggie Nhleko	8		
5a1	Hebson Nhleko		15	
5a2	Sipho Nhleko	7		
5b	Lucy Nhleko	9		Abandoned
R	Sipho's old home	7		Abandoned
6	Petros Mdluli	4		
7	Amon Dlamini			T
8	Elina Mdluli			T
9	Johan Sibandze		2	
9a	Absalon Sibandze Dumisane (dec.)	12	3	
9b	Herbert Sibandze		4	
9c	Simeon Sib (dec)	11	5 wife signed	
9d	Cleopas Sib(dec.)		6 Served on wife	
9e	Stephen Sibandze		7	Abandoned
9f	Bhekijise Siband			T
9g	James Sib (dec)		8 Served on Daughter in law	
9i	Samuel Sibandze	10		
10	Philemon Hlatwayo			Farm Dweller
10a	Velepi Hlatwayo	10a		T
11	Jacob Mdluli		9	
11a	Sibangani Mdluli		10	
11b	Sabelo Mdluli			T
12	Mnto Mdluli		Added	
13	Busisiwe Mdluli			T

Please note

1. Persons indicated at farm Dweller of "T" for Tenant and not to be evicted/ ejected
2. The rest of the persons are respondents as cited in the cases indicated.



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Issued 19 October 2001

This writ was issued by the Registrar on 19 - 10 - 2001 and listed the person to be evicted from the farm indicating each family's position on the property.

The few squatters that entered into farm Dwellers Agreements were ordered to relocate to the south Side of the farm.

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Copy of Writ of Attachment and to impound



Annexure "A"

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO.2811/01

BEFORE HIS LORDSHIP JUDGE J. ANNANDALE
ON THE 2ND DAY OF NOVEMBER 2001

In the matter between

REV. DR. IZAK HERMANUS LABUSCHAGNE

1st Applicant

JOHANNA MAGDELENA LABUSCHAGNE

2nd Applicant

And

COMMISSIONER OF POLICE

MINISTER OF DEFENCE

REGIONAL SECRETARY (SHISELWENI)

RESPONDENTS IN CASE NO 1901/01 AND 2607/01



1st Respondent

2nd Respondent

3TH Respondent

4RD Respondents

ORDER

1. That a **WRIT** do issue ordering the DEPUTY SHERIFF for the region of Shiselweni to **ATTACH and IMPOUND** sufficient assets and / or livestock in possession of the 4th respondents to satisfy the provisional **costs of eviction**, estimated to be E 40,000.00 (Fourty Thousand) and for the **taxed costs** of litigation, to give effect to the orders of the above Honourable Court in CASE NO'S 1901/01 AND 2607/01.
2. That the **costs of impounding** of any livestock be borne by the 4th respondents.

3. That in the event that the **taxed costs of litigation and / or eviction**, as the case may be, not be **paid in full** by the 4th respondents within fourteen (14) days of taxation, a **WRIT** do issue that the impounded and / or attached assets be **sold in EXECUTION** to the satisfaction of the said costs.
4. That the **applicant be indemnified** in respect of any and all costs in respect of the orders sought in this matter.
5. That this order be deemed to be **served** on all the respondents upon service of this order by the applicant on the service addresses of the respondents viz. respondents 1 – 3 on the Attorney General's offices and respondents 4 on their service address viz. P Shilubane , 3rd floor Lilunga House, Mbabane.

**BY ORDER OF THIS HONOURABLE COURT GIVEN UNDER MY HAND AND SEAL AT
MABABANE ON THIS 2ND DAY OF NOVEMBER 2001**



Issued 2 November 2001.

This writ entitles the owner to impound cattle and assets in order to recover the costs of eviction.

The Sheriff had quoted in the region of R 70 - 90,000.00 for the exercise of removing the squatters to the adjoining chieftain's land.

Copy of Declaration of rights in respect of the Warrants and Interdicts



IN THE HIGH COURT OF SWAZILAND
HELD AT MBABANE

CASE NO.2631/2001

BEFORE HIS LORDSHIP JUDGE J. ANNANDALE
ON THE 2ND DAY OF NOVEMBER 2001



In the matter between

REV. DR. IZAK HERMANUS LABUSCHAGNE

1st Applicant

JOHANNA MAGDELENA LABUSCHAGNE

2nd Applicant

SWAZILAND INVESTMENT PROMOTION AUTHORITY

Intervening Applicant

And

MINISTRY OF POLICE (GEGE POLICE)

1st Respondent

MINISTRY OF JUSTICE (PROSECUTOR NHLANGANO)

2nd Respondent

CONSENT ORDER

ORDERED BY CONSENT APPLICANT / ATTORNEY GENERAL: -

1. That the DIRECTOR OF PUBLIC PROSECUTIONS forthwith obtain copies of all the **complaints** made by and against the applicant to the Police at Gege or Nhlangano and prosecute or otherwise action the said matters from his offices at Mbabane.

2. That the **APPLICANT** be empowered to take such lawful steps as the Police could have done in the event that he be unable to engage the Police toward the enforcing of his rights under the orders issued by this Honourable Court.
3. That **SERVICE** of this order on any member of the police or the respondents be conducted by the **applicant**.
4. That a **DECLARATOR** do issue in respect of the **applicant's rights** pertaining to: -
 - 4.1. His right to **undisturbed and peaceful possession of the property** in question.
 - 4.2. His right to **deploy projects** for the property.
 - 4.3. His right to **safety and security** on the property.
 - 4.4. His right to **protection by the Police**.
 - 4.5. His right to be **fairly treated by the Police and Prosecutors**.
 - 4.6. His right to **sue government officials and organs of state for damages** and his property rights in respect of **expropriation**.
 - 4.7. His fundamental rights in respect of **non-discrimination on the basis of race, origin and creed**.
 - 4.8. His fundamental rights in respect of being **fully informed** of the nature of the charges brought against him.
 - 4.9. His right to be **protected from malicious prosecution**.



- 4.10. His right to protect his interests, property or rights by effecting a **CITIZENS ARREST** in so far as it is in accordance with the laws of Swaziland.
- 4.11. His right to be **protected from terrorism**.
- 4.12. His of **recourse and access to the courts**.
- 4.13. His right to have **orders of the High Court of Swaziland given expeditious and full effect** to by the appropriate persons authorized thereto.

**BY ORDER OF THIS HONOURABLE COURT GIVEN UNDER MY HAND AND SEAL AT
MABABANE ON THIS 2ND DAY OF NOVEMBER 2001**



Issued 2 November 2001.

This order served to make a wide declaration of the rights of the owners. It also interdicts the squatters further. Moreover, it entitles the owner to serve documents on the squatters directly and to take such action as the Police should have taken in the event that the Police are too slow or unable to act.